

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DERRICK MCCRAY,	)	
	)	CIVIL ACTION NO. 3:20-cv-139
Plaintiff,	)	
	)	JUDGE KIM R. GIBSON
v.	)	
	)	
SECRETARY JOHN E. WETZEL AND	)	
PRESIDENT, C.E.O., OWNER	)	
ACCREDITATION, AUDIT AND RISK	)	
MANAGEMENT SECURITY, LLC,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

This matter is before Magistrate Judge Patricia L. Dodge for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636 and Local Civil Rule 72.

The Magistrate Judge filed a Report and Recommendation on April 16, 2021 (ECF No. 44), recommending that the Court: (1) grant Defendant John E. Wetzel's Motion to Dismiss (ECF No. 18) and dismiss Plaintiff Derrick McCray's 42 U.S.C. § 1983 claim against Defendant Wetzel with prejudice; (2) dismiss Plaintiff's § 1983 claim against the President, C.E.O., and/or Owner of Accreditation, Audit and Risk Management Security, LLC, with prejudice for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii) and deny Plaintiff's Motion for Default (ECF No. 40) against that defendant; and (3) dismiss Plaintiff's supplemental state law claims without prejudice. (ECF No. 44 at 18)

The parties were notified that, in accordance with 28 U.S.C. § 636(b)(1), they had fourteen days to file written objections to the Report and Recommendation. Mr. McCray did not file objections to the Report and Recommendation.

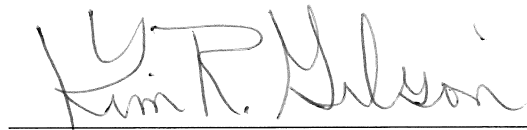
I have reviewed the record and the briefs *de novo*. After *de novo* review of the record and the Report and Recommendation, the following order is entered:

**AND NOW**, this 20<sup>th</sup> day of July, 2021, the Court adopts the Report and Recommendation as the opinion of the Court and it is **ORDERED** that:

- (1) Plaintiff's Motion for Default against the President, C.E.O., and/or Owner of Accreditation, Audit and Risk Management Security, LLC, (ECF No. 40) is **DENIED**;
- (2) Defendant Wetzel's Motion to Dismiss (ECF No. 18) is **GRANTED** and that Plaintiff's § 1983 claim against Defendant Wetzel is **DISMISSED WITH PREJUDICE**;
- (3) Plaintiff's § 1983 claim against the President, C.E.O., and/or Owner of Accreditation, Audit and Risk Management Security, LLC, is **DISMISSED WITH PREJUDICE**; and
- (4) The Court declines to exercise supplemental jurisdiction over the remaining state law claims, so the remaining claims are **DISMISSED WITHOUT PREJUDICE**.

Accordingly, all claims against Defendants are dismissed. The clerk can terminate the Defendants and close the case.

**BY THE COURT:**

A handwritten signature in black ink, appearing to read "Kim R. Gibson", is written over a horizontal line.

**KIM R. GIBSON**

**UNITED STATES DISTRICT JUDGE**